

EXECUTIVE ORDER



DISTRICT OF COLUMBIA

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| Subject: Processing Crime Scenes: AXON Capture, Crime Scene Investigations Division, and Department of Forensic Sciences |
| Number EO-16-002 |
| Effective Date July 1, 2016 |
| Rescinds: TT-08-120-12 (Evidence Technicians), Issued August 30, 2012 TT-02-072-13 (Processing for Forensic Evidence), Issued February 20, 2013 |
| Related To: GO-SPT-302.13 (Body-Worn Camera Program) GO-SPT-304.08 (Collection of Physical Evidence; Utilization of the Crime Scene Examination Section and Crime Scene Search Officers) SO-08-08 (Handling of Fireworks) SO-13-13 (Photographs, Video Recordings, and Audio Recordings of Crime Scenes) |

I. PURPOSE

Effective July 1, 2016, the Metropolitan Police Department (MPD) will implement the AXON Capture application to enable members to document crime scenes or incidents using an application on their Department cell phone when photographs are the **only** forensic documentation necessary (e.g., when processing the scene for fingerprints or other forensic evidence is not required). The AXON Capture application will replace the need to have a crime scene search member photograph the scene. Body-worn camera (BWC)-assigned members with Department cell phones issued for the purpose of body camera annotation and other designated members who have active Evidence.com accounts will utilize this new photo storage application.

II. REGULATIONS

- A. The AXON Capture application shall be used exclusively for taking photographs for law enforcement purposes.
- B. Members authorized to utilize the AXON Capture application shall do so using their Department-issued cell phone only. Members are prohibited from using the AXON Capture application on their personal cell phone or electronic device.
- C. Members assigned BWCs who are equipped with Department cell phones with the AXON Capture application shall document crime scenes or incidents that require photographs **only**.

Example: A member equipped with the AXON Capture application may document a shattered car window (i.e., destruction of property) crime scene because there is no need for fingerprinting. However, crime scenes requiring more elaborate forensic techniques (e.g., a robbery of a commercial establishment) **shall not** be documented by the AXON Capture.

- D. Members shall not use the AXON Capture application to record video or audio absent exigent circumstances or without the permission of an official.
- E. Primary units responding to crime scenes or incidents that are suitable for processing via the AXON Capture but who are not equipped with the requisite cell phone shall request a unit equipped with AXON Capture respond to the scene and take photographs.
- F. Crime Scenes/Incidents Processed by Members with the AXON Capture

Members who are equipped with Department cell phones with the AXON Capture application shall document the following crime scenes or incidents, **if photographs are the only form of forensic documentation required:**

1. All assaults where death or critical injury does not occur;

NOTE: Critical injury assaults are defined as assaults where the victim may die.
2. Destruction of property;
3. Select assignments (e.g. officials conducting administrative investigations);
4. Handling of illegal fireworks when a PD Form 61-D (Violation Citation) is issued as outlined in SO-08-08 (Handling of Fireworks), except when a firework has been identified as an improvised explosive device (IED). In these cases, after being rendered safe by a technician assigned to the Explosives Ordinance Division, the IED shall be handled by members of the Crime Scene Investigation Division (CSID) and Department of Forensic Sciences (DFS);
5. Traffic crashes involving MPD motor vehicles or other government-owned vehicles resulting in minor property damage only;
6. Use of force investigations where no visible injuries are present;
7. Minor injuries to MPD members requiring the completion of the PD Form 42 (Injury or Illness Report), which are not associated with a use of force;
8. Damage to MPD Property;

9. Robberies where there is no forensic evidence (other than evidence that can be documented using photographs) available for processing;

Example: A “robbery force and violence” crime scene where there are only minor injuries to the complainant and no additional forensic evidence (e.g., blood, saliva, property) shall be processed by a member equipped with the AXON Capture. If, during the investigation, the officer discovers the complainant’s shirt is spotted with blood that could belong to the suspect, the crime scene shall be processed by CSID/DFS.

10. Assaults on police officers resulting in minor injuries; and
11. Any other misdemeanor offense that does not fall under the responsibility of the CSID or DFS.

Example: During a search of a vehicle, a member discovers a zip-top bag containing a substance he or she believes to be heroin in a hidden compartment in the glove box. In this case, there is no requirement for CSID/DFS to process the scene so the member may document the location of the narcotics using his, her, or another member’s AXON Capture.

G. Crime Scenes and Incidents Processed by CSID/DFS

Evidence technicians assigned to the CSID shall be responsible for responding to and processing the following crime scenes under the direction of the DFS:

1. All deaths or assaults which are the investigative responsibility of the Violent Crimes Branch, Criminal Investigation Division; including, but not limited to:
 - a. Violent or suspicious in nature (to include assassinations);
 - b. Industrial accidents;
 - c. Unidentified persons;
 - d. Suicides or suspected suicides; and
 - e. Critical injury assaults, where the victim may die.
2. All assaults with the intent to kill (AWIK), assault with a dangerous weapon (ADW), and aggravated assault cases that:
 - a. Result in serious bodily injury;
 - b. Require the recovery of a firearm; and

- c. Require the recovery of DNA and/or trace evidence.
3. Unconscious persons where the cause of the injury and commission of a crime are unknown;
4. All physical abuse, sexual assaults, and attempted sexual assaults, which are the investigative responsibility of either the Adult Sexual Assault Unit or the Youth and Family Services Division;
5. All traffic related deaths, which are the investigative responsibility of the Major Crash Unit or Traffic Safety and Special Enforcement Branch;
6. All robberies of financial institutions, armored cars, and United States Postal facilities;
7. The following types of robberies:
 - a. Robberies resulting in serious or significant injury;
 - b. Robberies where the complainant's property is recovered;
 - c. Robberies requiring the recovering of biological evidence (e.g., the suspect's blood, saliva); and
 - d. Robberies involving forensic evidence that cannot be processed using photographs.
8. All carjackings (armed and unarmed);
9. Missing persons where the scene dictates a critical injury has occurred or foul play is suspected;
10. Any crime or incident involving a firearm, including those resulting in the recovery of a firearm;

NOTE: This does not include operations conducted by the Gun Recovery Unit (GRU). In these cases, GRU members will process the firearm.
11. Any firearms recovered where the suspect is known and immediate possession is in question except those recovered by DFS and Narcotics and Special Investigations Division (NSID) personnel;
12. The discharge of service firearms by members of the force as indicated in GO-RAR-901.01 (Handling of Service Weapons) and other law enforcement agencies within the District of Columbia regardless of whether or not death or critical injury occurs;

13. Other major offenses [e.g. kidnappings, actual explosive devices (to include fireworks identified as IEDs), weapons of mass destruction, and serious arsons] as outlined in GO-PER-304.01 (Operation and Management of Criminal Investigations);
 14. Thefts from automobiles where a sergeant or above or DFS supervisor deems it necessary to have the scene processed or one of the following conditions is present:
 - a. The case is closed with an arrest;
 - b. The suspect is known and forensic evidence may provide probative evidence to close the case;
 - c. The theft involved items more than \$10,000.00 in value;
 - d. The theft involved sensitive material, weapons, or other items that may require official government notification;
 - e. The theft was from a government vehicle;
 - f. Any serial or related events, where forensic evidence may provide necessary information; and
 - g. Any theft from an automobile at the discretion of the element watch commander.
 15. Recovered stolen automobiles (local and interstate);
 16. Unauthorized use of a vehicle;
 17. Traffic crashes involving MPD motor vehicles or other government-owned vehicles resulting in personal injury (regardless of the severity) or substantial damage to an involved vehicle;
 18. Use of force investigations where visible injuries to officers or subjects are present;
 19. Serious injuries to MPD officers requiring the completion of the PD Form 42 (Injury or Illness Report);
 20. Assaults on police officers resulting in significant or serious injuries; and
 21. Any event as directed by an official the rank of sergeant or above or DFS supervisors.
- H. Reserve crime scene search trained members shall process burglaries only.

- I. Patrol Services Bureau officials shall contact a DFS official under the following circumstances for a determination on who will process the crime scene (i.e., DFS or MPD):
 1. When biological evidence is observed;
 2. When there is sufficient evidence to suggest that the offense is related to one of the established offenses handled by DFS;
 3. When there is evidence to suggest that the vehicle was used in the commission of a felony or crime of violence; or
 4. When the offense is believed to be part of a pattern of ongoing criminal activity in a specific area, or targeting a specific class of victim.
- J. The introduction of the AXON Capture application as a means to collect photographic evidence does not relieve members of their responsibility to place physical evidence or property on the property book. All evidence shall continue to be recorded on the property book maintained in the recovering member's assigned district or element.
- K. NSID shall continue to follow the guidelines established in GO-PER-601.01 (Recording, Handling and Disposition of Property Coming into the Custody of the Department) with regard to evidence recovered as a result of processing crime scenes.
- L. Categorization and Annotation of AXON Capture Photographs
 1. Members shall make every effort to upload photographs to Evidence.com prior to going back into service. If this is not possible, members shall ensure all photographs are uploaded prior to the end of their shift.
 2. Members shall annotate their photographs with the proper Central Complaint Number (CCN) in the ID field and the proper category that relates to the crime or incident in the same manner they would with a BWC recording, in accordance with GO-SPT-302.13 (Body-Worn Camera Program).
- M. When preparing field reports associated with AXON Capture photographs, members shall document that the photos exist and are being retained in Evidence.com.
 1. Members shall document the existence or pending upload of photographs to Evidence.com by including the following statements at the beginning of the narrative of the associated report:

- a. "AXON Capture - Photographs Uploaded to Evidence.com".
- b. The last name, first name, and Computer Aided Dispatch (CAD) number of the member who processed the scene utilizing the AXON Capture.

NOTE: All photographs captured with the AXON Capture application will be uploaded to Evidence.com and will be accessible to the members who took the photos, their supervisors, and prosecutors.

III. PROCEDURES

- A. Members assigned to CSID shall:
 1. Maintain all equipment issued to those members certified to process crime scenes in the District of Columbia.
 2. Coordinate daily operations with the DFS/Crime Scene Sciences Unit (CSSU) and follow all relevant DFS protocols and policies concerning evidence documentation, collection, preservation, and submission.
 3. Enter evidence into the DFS Laboratory Information Management System.
- B. DFS Central Evidence Unit personnel will complete "File on Q" entries for CSID and CSSU.
- C. DFS maintains the right to train, test, establish protocols, and assign daily duties as they relate to crime scenes within the District of Columbia.

IV. POINT OF CONTACT

Members shall direct all questions to the Policy Development Branch at (mpd.policy@dc.gov).


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CLL:PAB:MOC:DMH